

Regular Meeting  
April 10, 2003

A Regular Meeting of the Marilla Town Board was held April 10, 2003 at 7:30 p.m. at the Marilla Town Hall, 1740 Two Rod Road, Marilla, New York. Officials present were:

John R. Foss, Supervisor  
Earl Gingerich, Jr., Councilman  
Barbara Spanitz, Councilman  
Fred Specht, Councilman  
George Gertz, Councilman

Supervisor Foss called the meeting to order and the Pledge of Allegiance to the Flag was given.

### **Communications**

Allied Sportsmen of Western New York, Inc. requesting extended shooting hours on Friday, May 16, 2003 from 12:30pm to 9:00 pm for the Eastern Paralyzed Veteran's Association.

### **Committee Reports**

Highway Superintendent Dave Pierce reported that the construction on the bridge located on Bullis Road is on schedule and may be done as early as July 1<sup>st</sup>, which is ahead of a tentative completion date of August 30. He also reported that the Erie County Highway has scheduled to re-pave Four Rod Road this summer from Bullis Road to possibly Broadway and East Avenue will be re-paved too.

Councilman Gingerich reported that there will be a meeting for the Sesqui- Centennial Committee on April 23<sup>rd</sup> at the Community Center 7:30 pm.

Councilman Spanitz stated that April is Fair Housing Month and if anyone is interested she has a calendar of events and pamphlets on fair housing to distribute.

Supervisor Foss reported that the Town received 5 bids for the combined BAN of 2.14 million on Wednesday, April 2<sup>nd</sup>. The low bidder was Commerce Capital Markets at an interest rate of 1.2399 percent. Last years rate was 2.43 percent. This is an unusually low rate and will reduce our interest costs for the budget year 2004 by about \$30,000. This is good news but the bad news is interest we receive on our unexpended funds has now gone below 2 percent and lost interest on these funds will lower our expected revenue.

He reported that he had met with project engineers from NCI at the Agway Building that the Town is in the process of purchasing. They are preparing the plans for the demolition and design of the area after demolition. I soon expect to hear from the Pavilion Committee with the name of the contractor that will do the construction of the pavilion. I then will coordinate the pavilion construction and demolition of the Agway building. I hope to be able to do one project in June and one project in July. The sidewalk that we are receiving a grant for will then be constructed immediately after the first two projects are done. The final phase will be the landscaping and paving of the parking lot. The goal is to have all this done by November 1<sup>st</sup> and usable for Veteran's Day and the bi-centennial in 2004.

### **Open Board Presentation From the Public**

### **Old Business**

Motion: Councilman Gingerich moved, seconded by Councilman Specht to approve the Minutes from the Public Hearing and Regular Board Meeting held on 3/13/2003. Motion Carried.

Regular Meeting  
April 10, 2003

**New Business**

Motion: Councilman Spanitz moved, seconded by Councilman Gertz to approve the following resolution requesting an equitable and dedicated share of the New York State Wireless Surcharge:

Whereas, in 2002-03 estimates of revenues generated by the State Wireless Service Surcharge projected approximately \$60 million, and

Whereas, in 2002-03 New York State will distribute \$20 million from the State Wireless Service Surcharge which is 33% of the total surcharge collected annually, and

Whereas, that amount will be reduced to \$10 million for state fiscal years 2003-04 and 2004-05, and

Whereas, the current legislation only authorizes distribution of these funds through 2005, and

Whereas, in 2002 New York State raised the wireless service surcharge to \$1.20 on all wireless telephones with the intent of improving public safety communications throughout New York State, and

Whereas, this increase will result in a 70% increase in wireless surcharge revenues amounting to over \$100 million annually,

Therefore, be it resolved that the ten Western New York counties (Allegany, Cattaraugus, Chautauqua, Erie, Genesee, Livingston, Monroe, Niagara, Orleans and Wyoming) that comprise the Western Region Public Safety Communications Alliance, and their cities, towns and villages included therein, call upon New York State and our representatives to support maintaining the 2002 distribution percentage of 33% of the total surcharge collected, and

Be it further resolved, that the Western Region Public Safety Communications Alliance calls on New York State and our representatives to make permanent the 33% of the wireless surcharge received being returned to local governments to offset costs associated with upgrading, operating and maintaining wireless public safety answering points and dispatching of public safety providers in response to wireless 911 calls, and

Finally, be it resolved that the counties in the Western Region Public Safety Communications Alliance, and the cities, towns and villages who support this resolution shall forward copies of this resolution to Governor George E. Pataki, the New York State Legislature and all others deemed necessary and proper.

Roll Call Vote:

Councilman Spanitz – aye

Councilman Gingerich - aye

Councilman Gertz – aye

Councilman Specht – aye

Supervisor Foss - aye

Motion Carried.

Motion: Councilman Gingerich moved, seconded by Councilman Gertz to reduce the water tax on parcel 157.00-6-2 owned by Larry & Martha LePrell to \$15 as service is unavailable. Motion Carried.

Motion: Councilman Spanitz moved, seconded by Councilman Specht to reduce the water tax on parcel 139.0-5-41.111 owned by Marlene Emden to \$15 as service is unavailable. Motion Carried.

Motion: Councilman Gertz moved, seconded by Councilman Gingerich to authorize Town Officials to attend Houghton Conference on May 8<sup>th</sup> at a cost of \$30 per person. Motion Carried.

Motion: Councilman Specht moved, seconded by Councilman Spanitz to authorize Dawn Flanigan to attend a Microsoft Office Training Seminar on May 9<sup>th</sup> at a cost of \$25. Motion Carried.

Motion: Councilman Gingerich moved, seconded by Councilman Specht to authorize Carla Miley to attend an accounting seminar in Akron, April 15, 16 and 17<sup>th</sup> at a cost of \$65. Motion Carried.

## Regular Meeting

April 10, 2003

- Motion: Councilman Gertz moved, seconded by Councilman Gingerich to authorize the Town Clerk to advertise Demolition Bids when NCI completes the project specifications for the Agway building site demolition. Motion Carried.
- Motion: Councilman Specht moved, seconded by Councilman Gertz to set the date for an informational meeting for residents in Water District 5 for May 12<sup>th</sup> at 7:00 p.m. at the Marilla Community Center. Motion Carried.
- Motion: Councilman Gingerich moved, seconded by Councilman Gertz to approve the following NEST Resolution:
- WHEREAS, the Town of Board of the Town of Marilla has determined that it is in the best interest of the Town of Marilla and its residents to develop a viable solution to its solid waste management needs; and
- WHEREAS, the Town of Marilla is a member of the N.E.S.T. and has participated with N.E.S.T. in developing a solid waste management plan in accordance with the provisions of ECL 27-0107; and
- WHEREAS, N.E.S.T. has contracted with Tellus Institute to prepare an integrated solid waste management plan, which plan is entitled “Northeast Southtowns Regional Waste Management Plan” and is dated January 7, 2003 (the “Plan”); and
- WHEREAS, the Town Board of the Town of Marilla has reviewed the Plan and has determined that it is in the best interest of the Town of Marilla to adopt such plan as its plan for the Town of Marilla.
- NOW, THEREFORE, BE IT RESOLVED BY THE TOWN BOARD OF THE TOWN OF MARILLA AS FOLLOWS:
1. The Town Board of the Town of Marilla does hereby adopt the Plan and will implement such solid waste management programs, projects and plans as identified in the recommendations contained in the Plan as the local solid waste management plan in effect for the Town of Marilla.
  2. That the Town of Marilla will use its best efforts to attempt to provide information to N.E.S.T. every two years as required in order to display compliance with the action items and schedules contained in the Plan, which information will be thereafter provided to the New York State Department of Environmental Conservation.
  3. That the Town of Marilla further agrees that it will submit modifications to the Plan to the New York State Department of Environmental Conservation for approval whenever it is determined that there is a need to deviate substantially from the Plan as identified in 6 NYCRR Part 360-15.11(b).
  4. This resolution shall take effect immediately.
- Roll Call Vote:
- |                          |                            |
|--------------------------|----------------------------|
| Councilman Spanitz – aye | Councilman Gingerich - aye |
| Councilman Gertz – aye   | Councilman Specht – aye    |
| Supervisor Foss - aye    |                            |
- Motion Carried.
- Motion: Councilman Gertz moved, seconded by Councilman Gingerich to authorize Town Clerk to publish extended shooting hours for Allied Sportsmen of Western New York, Inc. on May 16, 2003 from 12:30 pm to 9:00 p.m. for the Eastern Paralyzed Veteran’s Association.. Motion Carried.

**Report of Town Officials**

Engineer Marie Nowak reported that the Erie County Water Authority did a study for the southeast corner of Town to receive water and found it could be affordable with a tank and pump station if it were done in conjunction with Wales. If the two Municipalities were to work together it could be cost effective and doable.

Regular Meeting  
April 10, 2003

Building Inspector John Fronczek submitted a written report with 8 building applications received with fees totaling \$2,255, 8 building permits issued with a total value of \$314,000, 8 inspections were made and 2 complaints were acted on. There were a total of 109 activities. 3 zoning applications were received.

Town Assessor Earl Dabb reported that second notices went out for exemptions and they are currently out doing field- work.

Planning Board minutes have been received and posted and Planning Board Chairman, Judy Gillman reported that the next meeting will be held next Thursday.

CAB minutes have been received and posted.

Marilla Fire Company representative Paul Robinson reported that the fire Company ordered a new brush truck and the ladies auxiliary will be holding a meat raffle on the 12<sup>th</sup> of April.

Town Historian Hubert Kutter reported that the work on the annex was complete and they have a new room and floor plan. He wanted to thank Fred Specht and Diane Fronczek for their help in coordinating the project. He also wanted to thank Warren Handley for donating the carpeting and installation.

Councilman Specht asked Hubert Kutter if the alarm problem was fixed?

Town Historian reported not yet but it is being worked on.

Supervisor Foss announced that there will be an executive session held on Tuesday, April 15<sup>th</sup> at 7:30 p.m. to discuss negotiations.

Resident Jake Argauer from Three Rod Road asked if the Town had received the request from the Aurora Women’s Softball League requesting permission to reserve the softball diamond on every Wednesday night starting May 28<sup>th</sup> through August 13<sup>th</sup> form 6:00 p.m. to 8:30 p.m.

Motion: Councilman Specht moved, seconded by Councilman Gingerich to approve the Aurora Women’s Softball League to use the Town Park’s Ball Diamond for the requested dates. Motion Carried.

All claims have been previously reviewed by Councilman Spanitz and Councilman Gertz.

Motion: Councilman Spanitz moved, seconded by Councilman Gertz to approve the claims as follows:

General Fund Claims, Vouchers 100-149	\$	75,192.90
Highway Fund Claims, Vouchers 65-74	\$	1,192.92
Special Districts		
Sanitation (SR), Vouchers 37-49	\$	5,963.59
Special Lighting, Voucher	\$	.00
Special Fire, Vouchers 1-3	\$	197,126.73
Water District #2, Vouchers 9-12	\$	3,808.33
Water District #3, Voucher 4	\$	1,231.19
Water District #4, Vouchers 3-4	\$	1,993.59
Community Develop. PACE voucher 4	\$	74.80

Motion Carried.

Motion: Councilman Specht moved, seconded by Councilman Gingerich to adjourn at 8:00 p.m. Motion Carried.

Respectfully submitted,

_____ Town Clerk	_____ Supervisor
_____ Councilman	_____ Councilman
_____ Councilman	_____ Councilman